O. Talukdars
44

1944 **File No.** 44

Legal Department-

A **BRANCH**

Subject:— Opinions under the Gujarat Talukdars Act, 1888

E
1-A

File No. O Talukdars/44

Gen. 194 e.

266-A

CONTENTS.

O Talukdars/2944.

Legal Department. File No.....

Sr. No.	R.I.No./On.	Subject	Pages.
1.)	ON. 116 6-1-44	Revision of jama settlement in respect of Talukdar Villages.	1.
2.)	ON. 1992 15-3-44.	Talukdars Act ----- Sec. 22 --- Revision Settlement in Talukdari Villages.	3-4.

MM 10/7-

Office of the R.L.A.

The proposal in the R.D. file is to undertake the revision of jama settlement in respect of Talukadar Villages in Dhanduka Taluka although the present settlement is due to expire in 1954-55.

Before any opinion is expressed on the question whether section 117M L.R. Code applies to jama it is necessary to know in what terms the jama payable by the Talukadars has been fixed by Govt. R.D. is therefore requested to forward for the perusal Govt. Orders by which the jama has been fixed in respect of Talukadar Villages in Dhanduka Taluka at the last revision settlement.

Note

o.c.

for Remembrancer of Legal Affairs.

U.R.to R.D.,No. 116, dated the 6th January 1944.

R.D.files

(1) 673/1917

(2) 7642/24.

MM

10/7-

Office of the R.L.A.

It appears from the jama settlement of the Talukadari villages in Dhanduka Taluka under G.R.(R.D.) No. 3141/24, dated 5-10-1924 that the revised jama leviable from each Talukdari estate was sanctioned and guaranteed as an ascertained amount for a period of 30 years. That settlement will expire in 1955. It would not therefore be possible for Government to vary the jama fixed for levy from these estates during the period of the settlement except with the consent of the Talukdars. Section 117 M of the Land Revenue Code will have no application to the present settlement.

2. When Chapter VIII A of the Land Revenue Code was inserted the Talukdars Act, 1888, was not amended excluding the application of the provisions of that chapter to a Talukdari estate. Consequently section 117 M in Chapter VIII A of the Land Revenue Code applies to a Talukdari estate (see section 33 of the Talukdars Act). Sub-section (2) of section 117 of the Land Revenue Code provides : "The settlement rates may be declared to have been fixed with reference to specified prices of specified classes of agricultural produce. When such a declaration has been made under sub-section (1) it shall be lawful for the

Provincial Government to enhance or reduce the assessment in such area by granting a rebate or placing a surcharge on the assessment by reference to the alteration of the prices of the clauses of agricultural produce specified in the declaration". It is presumed that survey settlement is introduced in the Talukdari Villages the jama of which is settled under section 22 of the Talukdars Act. If so, there is no objection to Government applying section 117 M of the Bombay Land Revenue Code to the next revision settlement of these villages. But the question whether jama fixed under section 22 of the Talukdars Act would be variable according as the prices fall or rise would depend on the terms of the settlement guarantee of such jama. Sub-section (2) of section 22 of the Talukdars Act provides for power of Government to declare the amount of jama so ascertained for any term not exceeding thirty years. If Government makes an unqualified declaration fixing the jama for a certain period, it appears that the jama thus fixed cannot be varied during the period of settlement notwithstanding the declaration made under section 117 M of the Land Revenue Code. It appears however

that the power to fix the jama for a certain period under section 22(2) of the Talukdars Act includes power to fix it subject to certain conditions. Consequently if Government desires to vary the jama during the period of settlment on the lines under section 117 M it would be necessary to settle the jama under section 22 of the Talukdars Act subject to the conditions that it would be liable to variation during the period of settlement in correspondence with the variation in the aggregate assessment of the lands comprising the estate ordered by Government by feference to the alteration in prices as provided in section 117 M of the Land Revenue Code. But this question ought properly to be thrashed out after 1955 at the time of the next revision settlement. As regards B on page 82 ante, any reduction in jama through executive aetion at present will not enable the tenants of the Talukdars to claim any xxxx concession in paying rent to the Talukdar so long as the settlement is unaffected by a declaration under section 117 M of the Code, (apart of course from the question of the status of a tenant in a Talukdari village as paying rent rather than assessment).

Id/- P.N.M. 15/3/44
o/c Remembrancer Of Legal Affairs.
U.R.toR.D.No. 1992, dated 15th March 1944
MM 10/7-